

ATTACHMENT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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RETROPHIN, INC., :

Plaintiff, :

vs. :

MSMB CAPITAL MANAGEMENT LLC,
MSMB CAPITAL MANAGEMENT LP,
MSMB HEALTHCARE LP,
MSMB HEALTHCARE INVESTORS LLC,
and MSMB HEALTHCARE MANAGEMENT
LLC, :

Defendants. :

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Index No. 650813-2016
Anil C. Singh, J.S.C.

JUDGMENT

WHEREAS, on February 16, 2016, Plaintiff filed a Motion for Summary Judgment in
Lieu of Complaint to enforce certain promissory notes (NYSCEF Doc. No. 1-7);

WHEREAS, Defendants failed to appear;

WHEREAS, on April 11, 2016, the Court issued an order granting Plaintiff's motion for
summary judgment in lieu of complaint, directed the Clerk to enter judgment in the sum of
\$2,452,373, with interest at the rate of 5% per annum from February 12, 2016, until the date of
the order, and thereafter at the statutory rate until entry of judgment; and referred the issue of
Plaintiff's attorney's fees to a Special Referee to hear and report (NYSCEF Doc. No. 11);

WHEREAS, on May 17, 2016, Special Referee Helewitz was appointed and held a
hearing. Defendants did not appear. Based on the evidence and testimony presented, the Special
Referee issued a report (the "Fee Recommendation") recommending that Retrophin recover fees
of \$31,459.50. (NYSCEF Doc. No. 15);

WHEREAS, on June 1, 2016, Plaintiff moved to confirm the Fee Recommendation
(NYSCEF Doc. No. 18-27); and

WHEREAS, on August 23, 2016, the Court granted Plaintiff's motion, adopted the report of the Special Referee in its entirety, awarded Plaintiff reasonable attorney's fees in the sum of \$31,459.50, and ordered the Clerk to enter judgment accordingly (NYSCEF Doc. No. 29);

It is hereby ADJUDGED, that this judgment shall be docketed as a money judgment and that Plaintiff Retrophin, Inc., does recover of Defendants MSMB Capital Management LLC, MSMB Capital Management LP, MSMB Healthcare LP, MSMB Healthcare Investors LLC, and MSMB Healthcare Management LLC, the following sums:

(a) \$2,452,373, representing the outstanding balance due under the promissory notes as of February 12, 2016;

(b) ~~\$20,156.49~~ ^{19,820.55}, representing interest on the promissory notes at 5% per annum from February 12, 2016, until April 11, 2016;

(c) Interest on the sum of (a) and (b) at the statutory rate of 9% (CPLR § 5004) from April 12, 2016 until the date of entry of judgment, as calculated by the Clerk, amounting to the sum of \$ 122,148.33;

(d) \$31,459.50, representing attorney's fees and expenses; and

(e) ~~\$697.60~~ ^{505.00}, representing costs and disbursements as taxed by the Clerk, based upon the accompanying Affirmation in Support of Plaintiff's Bill of Costs,

these sums collectively amounting to a sum of \$ 2,594,846.88, and Plaintiff shall have execution thereon, and post-judgment interest shall accrued thereon in accordance with CPLR § 5003.

Milton A. Tinsling
Clerk

FILED
OCT 31 2016
COUNTY CLERK'S OFFICE
NEW YORK

Judgment Creditor
Retrophin, Inc.
12255 E/Camino Real
Suite 250
San Diego, CA 92130

Judgment Debtors
MSMB Capital Management LLC
MSMB Capital Management LP
MSMB Healthcare Investors LLC
MSMB Healthcare LP
MSMB Healthcare Management LLC
919 North Market Street
Ste 425
Wilmington, DE 19801

FILED: NEW YORK COUNTY CLERK 09/12/2016 03:13 PM

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NYSCEF DOC. NO. 32

RECEIVED NYSCEF: 09/12/2016

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**AFFIRMATION IN SUPPORT OF
PLAINTIFF'S BILL OF COSTS**

NICHOLAS FLATH, an attorney admitted to the Bar of the State of New York and
counsel for Plaintiff in the above-captioned electronically-filed case, affirms that the
disbursements specified below have been or will be necessarily made or incurred in this action
and are reasonable in amount.

COSTS

Costs before Note of Issue (CPLR 8201(1))

Amount

\$200.00

Costs for Inquest (CPLR 8201(3))

~~\$300.00~~**DISBURSEMENTS***Index fee*
RJI\$ *210.00*

Fee for Transcript of May 17, 2016 Hearing

\$ *95.00*(see Exhibit A hereto, a true and correct copy of the court
report's invoice)~~\$197.60~~**Total**~~\$697.60~~*505.00*Dated: New York, New York
September 12, 2016

/s/ Nicholas Flath

Nicholas Flath

I HEREBY CERTIFY THAT I HAVE
ADJUSTED THIS BILL OF COSTS AT
\$ *505.00***FILED****OCT 31 2016**

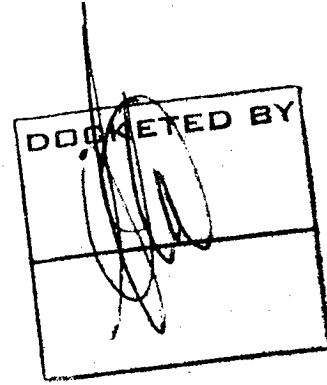
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**COUNTY CLERK'S OFFICE
NEW YORK**

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Nilton A. Tugling
CLERK

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JUDGMENT
Cooley LLP <i>Attorneys for Retrophin, Inc., Plaintiff</i>
1114 Avenue of Americas New York, NY 10036-7798 (212) 479-6000

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CC
AT 10:41 A
N.Y., CC, CASE